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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

Jones et al.

**Serial No.:** 10/644,256

**Filed:** August 20, 2003

**For:** EFFICIENT PRODUCTION OF IgA  
IN RECOMBINANT MAMMALIAN  
CELLS

**Examiner:** W. Schlapkohl, Ph.D.

**Group Art Unit:** 1636

**Attorney Docket No.:** 2578-6077US

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

11/19/2008  
Date

*Betty Vowles*  
Signature

Betty Vowles  
Name (Type/Print)

**PETITION UNDER 37 C.F.R. § 1.78(a)(3) FOR  
ACCEPTANCE OF UNINTENTIONALLY DELAYED PRIORITY CLAIMS**

Mail Stop Legal Administration  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the Decision on Petition under 37 C.F.R. 1.55(c), received on September 30, 2008, applicants respectfully petition under 37 C.F.R. § 1.78(a)(3) for the acceptance of unintentionally delayed priority claims. As stated in the Specification, PCT International Patent Application No. PCT/EP03/50201, European Patent Application No. 02077953.4, and United States Provisional Application Serial No. 60/397,066 are parent applications of then co-pending PCT International Patent Application No. PCT/EP2003/007690. As provided by 35 U.S.C. § 365(c), "an international application designating the United States shall be entitled to the benefit of the filing date of a prior national application or a prior international application designating the United States." Therefore, claims of domestic priority to these prior applications are proper.

**Priority claim to PCT/EP2003/007690**

Pursuant to 37 C.F.R. § 1.78(a)(3), applicants petition to be afforded, under 35 U.S.C. § 365(a), right of domestic priority to then co-pending PCT International Patent Application No. PCT/EP2003/007690, filed on July 15, 2003, designating the United States of America, published, in English, as International Publication No. WO 2004/009618 A2 on January 29, 2004.

Applicants note that this claim for priority was previously submitted in the communication filed November 16, 2006.

Applicants further note that, pursuant to 37 C.F.R. § 1.78(a)(3), the required surcharge set forth in § 1.17(t) was submitted in conjunction with the communication filed November 16, 2006.

Pursuant to 37 C.F.R. § 1.78(a)(3)(iii), applicants submit that “the entire delay between the date the claim was due under [37 C.F.R. § 1.78(a)(2)(ii)] and the date the claim was filed was unintentional.”

**Priority claim to PCT/EP03/50201**

Pursuant to 37 C.F.R. § 1.78(a)(3), applicants petition to be afforded, under 35 U.S.C. § 365(c), right of domestic priority to PCT International Patent Application No. PCT/EP03/50201, filed on May 27, 2003, designating the United States of America. International Patent Application No. PCT/EP03/50201 is a parent international application of co-pending PCT International Patent Application No. PCT/EP2003/007690.

Applicants note that this claim for priority was previously submitted in the communication filed November 16, 2006.

Applicants further note that, pursuant to 37 C.F.R. § 1.78(a)(3), the required surcharge set forth in § 1.17(t) was submitted in conjunction with the communication filed November 16, 2006.

Pursuant to 37 C.F.R. § 1.78(a)(3)(iii), applicants submit that “the entire delay between the date the claim was due under [37 C.F.R. § 1.78(a)(2)(ii)] and the date the claim was filed was unintentional.”

**Priority claim to EP 02077953.4**

Pursuant to 37 C.F.R. § 1.78(a)(3), applicants petition to be afforded, under 35 U.S.C. § 365(c), right of domestic priority to European Patent Application No. 02077953.4, filed on July 18, 2002. European Patent Application No. 02077953.4 is a parent national application of co-pending PCT International Patent Application No. PCT/EP2003/007690.

Applicants note that this claim for priority was previously submitted in the communication filed November 16, 2006.

Applicants further note that, pursuant to 37 C.F.R. § 1.78(a)(3), the required surcharge set forth in § 1.17(t) was submitted in conjunction with the communication filed November 16, 2006.

Pursuant to 37 C.F.R. § 1.78(a)(3)(iii), applicants submit that “the entire delay between the date the claim was due under [37 C.F.R. § 1.78(a)(2)(ii)] and the date the claim was filed was unintentional.”

**Priority claim to US 60/397066**

Pursuant to 37 C.F.R. § 1.78(a)(3), applicants petition to be afforded, under 35 U.S.C. § 365(c), right of domestic priority to United States Provisional Application Serial No. 60/397,066, filed on July 18, 2002. United States Provisional Application Serial No. 60/397,066 is a parent national application of co-pending PCT International Patent Application No. PCT/EP2003/007690.

Applicants note that this claim for priority was previously submitted in the communication filed November 16, 2006.

Applicants further note that, pursuant to 37 C.F.R. § 1.78(a)(3), the required surcharge set forth in § 1.17(t) was submitted in conjunction with the communication filed November 16, 2006.

Pursuant to 37 C.F.R. § 1.78(a)(3)(iii), applicants submit that “the entire delay between the date the claim was due under [37 C.F.R. § 1.78(a)(2)(ii)] and the date the claim was filed was unintentional.”

### **Authorization to Charge Deposit Account**

Applicants note that, pursuant to 37 C.F.R. § 1.78(a)(3), the required surcharge set forth in § 1.17(t) was submitted in conjunction with the communication filed November 16, 2006. However, any fee required but not submitted with this communication may be charged to deposit account no. 20-1469.

### **CONCLUSION**

Grant of the right of domestic priority to PCT International Patent Application No. PCT/EP2003/007690, and its parent applications: PCT International Patent Application No. PCT/EP03/50201; European Patent Application No. 02077953.4; and United States Provisional Application Serial No. 60/397,066 is respectfully requested. If questions remain after consideration of the foregoing, or if the Office should determine that there are additional issues which might be resolved by telephone conference, the Office is kindly requested to contact applicant's attorney at the address or telephone number given herein.

Respectfully submitted,



Daniel J. Morath, Ph.D.  
Registration No. 55,896  
Attorney for Applicants  
TRASKBRITT, P.C.  
P.O. Box 2550  
Salt Lake City, Utah 84110-2550  
Telephone: 801-532-1922

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